

On June 19, 1943, Joseph J. Hodupp & Edna Marie Hodupp, doing business as J. J. Hodupp & Co., claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**5337. Adulteration and misbranding of butter. U. S. v. 29 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for manufacture into ice cream.** (F. D. C. No. 10292. Sample Nos. 21949-F, 21951-F.)

On July 7, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 29 boxes of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 24, 1943, by the Blue Valley Creamery from Parsons, Kans.; and charging that it was adulterated and misbranded. The article was labeled in part: (Print label) "Net Weight One Pound Meadow Gold Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the prints did not contain "Net Weight One Pound" as labeled.

On July 22, 1943, the Meadow Gold Dairies, Inc., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for manufacture into ice cream under the supervision of the Food and Drug Administration.

#### CREAM

**5338. Adulteration of cream. U. S. v. 5 10-Gallon Cans of Cream. Consent decree of condemnation. Product ordered destroyed.** (F. D. C. No. 10152. Sample No. 36401-F.)

On June 11, 1943, the United States attorney for the District of Colorado filed a libel against 5 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 8, 1943, by the Grant Produce Co. from Grant, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 11, 1943, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**5339. Adulteration of cream. U. S. v. 1 10-Gallon Can of Cream (and 2 additional seizure actions against cream). Decrees of condemnation. Product ordered sold for uses in connection with the war effort.** (F. D. C. Nos. 10241 to 10243, incl. Sample Nos. 36408-F to 36421-F, incl., 36761-F, 36762-F, 36764-F.)

On June 25 and 29, 1943, the United States attorney for the District of Colorado filed libels against 25 10-gallon cans and 7 5-gallon cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about June 19 to 23, 1943, by J. C. Dudley from Springer, N. Mex., W. A. Estes, Delhart, Tex., D. E. Johnson, Mayfield, Okla., Forrest Rogers, Graham, Tex., T. W. Bain, Hedley, Tex., Theodore Jared, Frederick, Okla., W. G. Fugitt, Chillicothe, Tex., G. E. Huddleston, Crosbyton, Tex., J. E. Richards, Clayton and Sedan, N. Mex., Florsheim Mercantile, Springer, N. Mex., F. F. Wood, Clayton and Sedan, N. Mex., Carl D. Myers, Boise City, Okla., Ellis Jernigan, Amistad, N. Mex., and G. H. Hathaway, Las Lunas, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On June 25 and 29, 1943, the consignee having admitted the allegations of the libels and having consented to the entry of a decree, judgments of condemnation were entered and the marshal was ordered to have the cream churned and the butter sold for uses in connection with the war effort or, failing to effect such disposition, to destroy it.

#### EGGS

**5340. Adulteration of frozen whole eggs. U. S. v. 37 Cans and 93 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing or destruction of the unfit portion.** (F. D. C. No. 10407. Sample Nos. 45222-F, 45224-F.)

On August 14, 1943, the United States attorney for the District of New Jersey filed a libel against a total of 130 cans of frozen whole eggs at Jersey City, N. J.,

alleging that the article had been shipped in interstate commerce on or about July 14 and 15, 1943, by the Highway Butter & Egg Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 28, 1943, the Highway Butter & Egg Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating the good eggs from the bad and denaturing or destruction of the bad eggs, under the supervision of the Food and Drug Administration.

**5341. Adulteration of frozen whole eggs. U. S. v. 700 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10528. Sample No. 20836-F.)**

On August 31, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 700 cans of frozen whole eggs at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about July 21, 1943, by David Bunshaft from Buffalo, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance by reason of the presence of decomposed eggs.

On September 8, 1943, the Firch Baking Co. of Erie, Pa., having appeared as claimant and having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and, upon the petition of the claimant, the court entered an order releasing the product under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**5342. Adulteration of frozen eggs. U. S. v. 250 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for disposition in compliance with the law. (F. D. C. No. 10092. Sample No. 6156-F.)**

Examination showed the presence of decomposed eggs.

On June 12, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 250 cans of frozen eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 11, 1943, by Swift & Co., from Muskogee, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 26, 1943, Swift & Co., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The fit portion was separated from the unfit and the latter was disposed of as tankage.

**5343. Adulteration of frozen whole eggs. U. S. v. 402 Containers of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation of the unfit portion from the fit portion and destruction of the unfit portion. (F. D. C. No. 10187. Sample No. 45373-F.)**

On or about July 12, 1943, the United States attorney for the Southern District of New York filed a libel against 402 containers of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 27, 1943, by the Twin Rivers Co., Inc., from Grand Island, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 21, 1943, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion from the fit portion of the product, and destruction of the latter under the supervision of the Food and Drug Administration.

**5344. Adulteration of frozen whole eggs. U. S. v. 31 Cans, 237 Cans, and 195 Cans of Frozen Whole Eggs. Decrees of condemnation and destruction. Portion of product ordered released under bond for segregation and destruction of the unfit portion. One lot ordered destroyed. (F. D. C. Nos. 10072, 10097, 10161. Sample Nos. 45353-F, 45359-F, 45363-F, 45370-F, 45371-F.)**

On June 9, 14, and 30, 1943, the United States attorneys for the Southern and Eastern Districts of New York filed libels against 31 cans and 195 cans of frozen whole eggs at New York, N. Y., and 237 cans of frozen whole eggs at Brooklyn,